

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ANGELO TYRONE ANDREWS,

Petitioner,

v.

Case No. 2:07-CV-11480

Honorable Patrick J. Duggan

CINDI S. CURTIN,
Respondent.

OPINION AND ORDER

At a session of said Court, held in the U.S.
District Courthouse, City of Detroit, County of
Wayne, State of Michigan, on June 30, 2008.

PRESENT: THE HONORABLE PATRICK J. DUGGAN
U.S. DISTRICT COURT JUDGE

Petitioner, a state prisoner currently confined at the Oaks Correctional Facility in Manistee, Michigan, has filed a *pro se* petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254, alleging that he is incarcerated in violation of his constitutional rights. Petitioner challenges his 1978 guilty-plea convictions for second-degree murder and first-degree criminal sexual conduct. Respondent moved to dismiss the petition, as untimely, on December 6, 2007. On December 10, 2007, this Court referred the matter to Magistrate Judge Paul Komives for a report and recommendation and for the entry of any preliminary orders.

On May 28, 2008, Magistrate Judge Komives issued his Report and

Recommendation (“R&R”) in which he recommends that this Court grant Respondent’s motion to dismiss, based on his conclusion that Petitioner’s application for habeas corpus is barred by the statute of limitations contained in 28 U.S.C. § 2244(d). At the conclusion of the R&R, Magistrate Judge Komvies advises the parties that they may object and seek review of the R&R within ten days of service upon them. (R&R at 7.) He also specifically advises the parties that “[f]ailure to file specific objections constitutes a waiver of any further right of appeal.” (*Id.*, citing *Thomas v. Arn*, 474 U.S. 140, 106 S. Ct. 466 (1985); *Howard v. Sec’y of Health & Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981)). Neither party filed objections to the R&R.

The Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Komives.

Accordingly,

IT IS ORDERED, that Defendant’s motion to dismiss is **GRANTED**.

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

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